

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.17439 of 2008
BIRENDRA RAI & ANR
Versus
THE STATE OF BIHAR

6 **23.09.2008** Heard learned counsels for the petitioner and the State.

Petitioners, who are the brother-in-law and mother-in-law of the deceased, are accused in a case registered for the offence under sections 302/34 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that the allegations are general in nature and there is no specific allegation against them. It is further submitted that in course of investigation the prosecution witnesses have not supported the case and material has come to suggest that the deceased died on account of diarrhoea which fact is also supported by the post mortem report. It is further submitted that one of the co-accused Suchita Devi has been allowed anticipatory bail by this court as per the order dated 23.04.2008 passed in Cr. Misc. No. 5762 of 2008. Learned counsel has produced the certified copy of the said order, which is kept on record.

Having considered the submissions, as noticed above, and in the facts and circumstances of the case, it is directed that in the event of arrest or surrender within

a period of four weeks from today, the petitioners, namely, Birendra Rai & Shyam Pati Devi be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Vaishali P.S. Case No. 200 of 2007 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

Manish/-

(Shailesh Kumar Sinha,J.)

